

FILE

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. to Establish its Fuel and Purchased Power Component of its Market-Based Standard Service Office for the Period of January 1, 2009 through December 31, 2009.	)	Case No. 09-974-EL-FAC
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In the Matter of the Application of Duke Energy Ohio, Inc. to Establish its 2008 System Reliability Tracker of its Market-Based Standard Service Offer	)	Case No. 09-975-EL-RDR
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**DUKE ENERGY OHIO, INC.'S  
MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN THE FILING OF THE  
MULTI-YEAR BOILER RECOVERY PLAN**

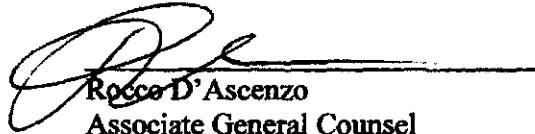
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On January 28, 2010, Duke Energy Ohio, Inc. (Duke Energy Ohio) filed a Notice of Filing of Multi-Year Boiler Recovery Plan. Also on January 28, 2010, a motion for confidential treatment was filed to protect the confidentiality of information filed in the Multi-Year Boiler Recovery Plan document. The motion for protective treatment was granted in the Entry of May 19, 2010. By this motion, Duke Energy Ohio seeks to continue the Order issued on May 19, 2010, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that the Commission continue the Order issued on May 19, 2010 to indicate that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access.

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 Technician *[Signature]* Date Processed 10-04-11

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rocco D'Ascenzo", is written over a horizontal line.

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## **MEMORANDUM IN SUPPORT**

Duke Energy Ohio respectfully requests the Public Utilities Commission of Ohio (Commission) grant its Motion to Continue to Protect the Confidentiality of Information Contained in the Plan.

Duke Energy Ohio is an Ohio corporation with its principal office in Cincinnati, Ohio. Duke Energy Ohio has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric distribution service to the public in the State of Ohio. Accordingly, Duke Energy Ohio is a public utility within the meaning of that term as used in R. C. 4905.02 and 4905.03. As such, Duke Energy Ohio is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Ohio.

Duke Energy Ohio owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service over 660,000 customers in southwestern Ohio.

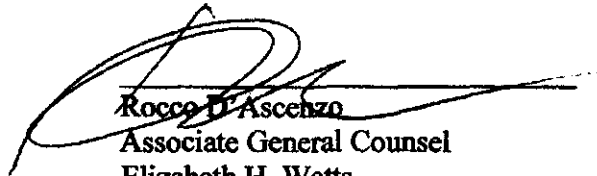
On January 28, 2010, Duke Energy Ohio filed its Multi-Year Boiler Recovery Plan (Plan) in accord with the Stipulation and Recommendation approved in Case No. 07-974-EL-UNC *et al.*, which resolved all issues raised relative to establishing Duke Energy Ohio's Rider PTC-FPP and PTC SRT for the audit period of July 1, 2007, through December 31, 2008. Duke Energy Ohio's Plan for its generating assets details the projects by generating unit through 2019. The Plan sets forth the priority of each project, outage duration and estimated cost per project.

This Plan contains confidential trade secret information. Specifically, the Plan describes Duke Energy Ohio's boiler recovery strategy as contained in the Plan, includes estimated cost of repairs and sensitive outage information including times and duration of outages necessary to effectuate the Plan. This confidential trade secret information, if publicly disclosed, would give

Duke Energy Ohio's competitors access to competitively sensitive, confidential information, which in turn could allow the competitors to make offers to sell coal, etc. at higher prices than the competitors might offer in the absence of such information and to the detriment of Duke Energy Ohio and its customers.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), continue the protection provided by its Entry of May 19, 2010 and that the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rocco D'Ascenzo', is written over a horizontal line.

~~Rocco D'Ascenzo~~  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion for Continuation of Protective Order was sent by first class US Mail or electronically to all parties of record and listed below this 4<sup>th</sup> day of October, 2011.



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